

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RAYMOND STANLEY, #1037637	§	
	§	
V.	§	CIVIL ACTION NO. G-03-369
	§	
TERRY FOSTER, ET AL.	§	

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on April 13, 2007, which recommends that the remaining claims of deliberate indifference to Plaintiff's serious medical needs against Defendants Foster, Geerdes, McClain-Roberson and Warden Edwards be dismissed with prejudice. Plaintiff has filed objections to the Report and Recommendation, reiterating his strong belief that Defendants are responsible for his harm made the basis of this suit. Grievances which are attached by Plaintiff and/or were considered in the Report and Recommendation, Plaintiff's failure to exhaust administrative remedies as to a Defendant, and failure to indicate a Defendant's personal involvement all serve to render Plaintiff's objections meritless.

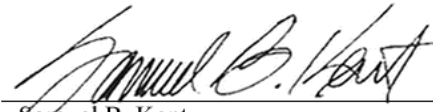
After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice as frivolous.

This Order does not release Plaintiff or the Texas Department of Criminal Justice, Institutions Division from the obligation to pay the filing fee previously imposed. Plaintiff is advised that if he

appeals this dismissal, he will be required to pay the appeal fee of \$455.00 pursuant to the Prison Litigation Reform Act, and he must submit a 6-month certificate of his inmate trust account when he files his notice of appeal.

A certified copy of this Order shall be mailed to: **TDCJ-Office of the General Counsel**, P.O. Box 13084, Austin, Texas, 78711; and, to **TDCJ Local Funds Division**, P.O. Box 629, Huntsville, TX 77342-0629.

**DONE** at Galveston, Texas, this the 3<sup>rd</sup> day of May, 2007.

  
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Samuel B. Kent  
United States District Judge